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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,545	09/12/2003	Arto Palin	4208-4145 (Nokia NC28903)	6422
27123 7590 05/02/2007 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER AJAYI, JOEL	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/660,545

Applicant(s)

PALIN ET AL.

Examiner

Joel Ajayi

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,15-17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-13, 15-17, and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims **1, 3-13, 15-17, and 19-23** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3-13, 15-17, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Armantrout (U.S. Patent Number: 6,349,199)** in view of **Tomlinson, JR. et al. (U.S. Patent Application Number: 2003/0100288)**.

Consider **claim 1**; Armantrout clearly discloses a method of controlling a multicast transmission (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58), comprising: (a) transmitting a data packet to a plurality of devices (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58); (b) detecting the reception of any acknowledgement transmissions, wherein each acknowledgement transmission indicates reception of the data packet by a respective one of the plurality of devices (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58); (c) sending the data packet to at least one of the plurality of slave devices when an acknowledgment is not detected for each of the plurality of devices (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58); (d) counting the number of consecutive times an acknowledgement packet is not received from a particular one of the plurality of devices (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58); and (e) foregoing sending of the data packets until said number of consecutive times exceeds a predetermined threshold or when step (b) detects an acknowledgment transmission from each of the plurality devices except for said particular device (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58).

Except:

An ultra wideband (UWB) wireless network; and retransmission.

In the same field of endeavor Tomlinson clearly discloses an ultra wideband (UWB) wireless network; and retransmission (paragraph 3, lines 24-30; paragraph 11, lines 12-14, 29-32; paragraph 13, lines 9-11; paragraph 15, lines 6-10; paragraph 16, lines 14-18).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Tomlinson into the method of Armantrout in order to provide reliable service in a telecommunication system.

Consider **claim 13**; Armantrout clearly discloses a wireless communications device (cellular terminal) (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58), comprising: counting the number of consecutive times an acknowledgement packet is not received from a particular one of the plurality of devices (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58); and forego sending of the data packets until said number of consecutive times exceeds a predetermined threshold or when step (b) detects an acknowledgment transmission from each of the plurality devices except for said particular device (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58).

Except:

An ultra wideband (UWB) wireless network; a transmission buffer configured to store a packet for transmission to a plurality of devices; a retransmission buffer configured to store a retransmission packet, the retransmission packet being previously transmitted across the UWB wireless network; a retransmission controller configured to receive one or more acknowledgment transmissions from the plurality of devices; wherein the retransmission controller is further configured to cause the retransmission buffer to send the retransmission packet to the plurality of devices when an acknowledgment is not detected for each of the plurality of devices.

In the same field of endeavor Tomlinson clearly discloses an ultra wideband (UWB) wireless network (paragraph 3, lines 24-30; paragraph 11, lines 12-14, 29-32; paragraph 13, lines 9-11; paragraph 15, lines 6-10; paragraph 16, lines 14-18); a transmission buffer configured to store a packet for transmission to a plurality of devices (paragraph 3, lines 24-30; paragraph 11, lines 12-14, 29-32; paragraph 13, lines 9-11; paragraph 15, lines 6-10; paragraph 16, lines 14-18); a retransmission buffer configured to store a retransmission packet, the retransmission packet being previously transmitted across the UWB wireless network (paragraph 3, lines 24-30; paragraph 11, lines 12-14, 29-32; paragraph 13, lines 9-11; paragraph 15, lines 6-10; paragraph 16, lines 14-18); a retransmission controller configured to receive one or more acknowledgment transmissions from the plurality of devices (paragraph 3, lines 24-30; paragraph 11, lines 12-14, 29-32; paragraph 13, lines 9-11; paragraph 15, lines 6-10; paragraph 16, lines 14-18); wherein the retransmission controller is further configured to cause the retransmission buffer to send the retransmission packet to the plurality of slave devices when an acknowledgment is not detected for each of the plurality of devices (paragraph 3, lines 24-30; paragraph 11, lines 12-14, 29-32; paragraph 13, lines 9-11; paragraph 15, lines 6-10; paragraph 16, lines 14-18).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Tomlinson into the method of Armantrout in order to provide reliable service in a telecommunication system.

Consider **claim 17**; Armantrout clearly discloses a system for controlling a multicast transmission (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58), comprising: means for transmitting a data packet to a plurality of devices (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58); means for detecting the reception of

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any acknowledgement transmissions, wherein each acknowledgement transmission indicates reception of the data packet by a respective one of the plurality of devices (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58); and means for sending the data packet to the one or more devices when an acknowledgment is not detected for each of the one or more devices (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58); means for counting the number of consecutive times an acknowledgement packet is not received from a particular one of the plurality of devices (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58); and means for foregoing sending of the data packets until said number of consecutive times exceeds a predetermined threshold or when step (b) detects an acknowledgment transmission from each of the plurality devices except for said particular device (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58).

Except:

An ultra wideband (UWB) wireless network; and retransmission.

In the same field of endeavor Tomlinson clearly discloses an ultra wideband (UWB) wireless network; and retransmission (paragraph 3, lines 24-30; paragraph 11, lines 12-14, 29-32; paragraph 13, lines 9-11; paragraph 15, lines 6-10; paragraph 16, lines 14-18).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Tomlinson into the method of Armantrout in order to provide reliable service in a telecommunication system.

Consider **claim 21**; Armantrout clearly discloses a computer-readable medium encoded with processing instructions for implementing a method of controlling multicast transmission, performed by a wireless communications device (cellular terminal) (abstract, column 3, lines 11-

59; column 4, lines 14-25; column 5, lines 22-58), the method comprising: (a) transmitting a data packet to a plurality of slave devices (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58); (b) detecting the reception of any acknowledgement transmissions, wherein each acknowledgement transmission indicates reception of the data packet by a respective one of the plurality of devices (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58); and (c) sending the data packet to at least one of the plurality of slave devices when an acknowledgment is not detected for each of the plurality of devices (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58); (d) counting the number of consecutive times an acknowledgement packet is not received from a particular one of the plurality of devices (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58); and (e) foregoing sending of the data packets until said number of consecutive times exceeds a predetermined threshold or when step (b) detects an acknowledgment transmission from each of the plurality devices except for said particular device (abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58).

Except:

An ultra wideband (UWB) wireless network; and retransmission.

In the same field of endeavor Tomlinson clearly discloses an ultra wideband (UWB) wireless network; and retransmission (paragraph 3, lines 24-30; paragraph 11, lines 12-14, 29-32; paragraph 13, lines 9-11; paragraph 15, lines 6-10; paragraph 16, lines 14-18).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Tomlinson into the method of Armantrout in order to provide reliable service in a telecommunication system.

Consider **claims 3-12, 15, 16, 19, 20, 22, and 23**; the combination above clearly discloses receiving said any acknowledgement transmissions from the UWB wireless network (Armantrout, abstract, column 3, lines 11-59; column 4, lines 14-25; column 5, lines 22-58; Tomlinson, paragraph 3, lines 24-30; paragraph 11, lines 12-14, 29-32; paragraph 13, lines 9-11; paragraph 15, lines 6-10; paragraph 16, lines 14-18).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joel Ajayi whose telephone number is (571) 270-1091. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm and Friday 7:30am to 4:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Joel Ajayi

April 20, 2007


NICK CORSARO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600